IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 20TH OCTOBER 2006 / 28TH ASWINA 1928

Bail Appl..No. 5930 of 2006

CRIME NO.159/2006 OF BINANIPURAM POLICE STATION

PETITIONER/ACCUSED

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1. SHADULI, S/O.ABDUL KAREEM,
   AGED 24, PEEDIAKKAL HOUSE,
   EARATTUPATTA KARA AND VILLAGE,
   KOTTAYAM.

2. ABDUL RASSIQ, S/O.ABDUL RAPHI,
   AGED 27, PERAKATHUSSERRY VEEDU,
   NADAKKAL KARA, EARATTUPATTA KARA AND VILLAGE,
   KOTTAYAM.

3. ANSAR, S/O.ABDUL RASAQ,
   AGED 25, PERUNNELLIL VEEDU, KUNJUNNI KARA,
   KADUNGALLUR VILLAGE.

4. NIZAMUDIN, S/O.MOHAMMED,
   AGED 24, JASMINE MANZIL, PANAYIKKULAM KARA,
   ALANGAD VILLAGE.

5. SHAMMAS, S/O.JAMAL, AGED 30,
   AMBAZHATHINKAL VEEDU, VADAKKEKARA KARA,
   EARATTUPATTA VILLAGE, KOTTAYAM.

BY ADV. SRI.K.S.MADHUSOODANAN
SRI.T.V.JAYAKUMAR NAMBOODIRI

RESPONDENTS: COMPLAINANT AND FORMAL PARTY

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1. STATE OF KERALA TO BE REP. BY
   PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. S.I. OF POLICE,
   BINANIPURAM POLICE STATION.

BY D.G.P SRI.P.G. THAMPI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5930/2006

DATED THIS THE 20TH DAY OF OCTOBER, 2006

O R D E R

The petitioners were before this Court through B.A.No.5454/2006 for bail, as they were alleged to have committed offence under Sections 120B and 124A IPC and also under Sections 13(1) and (b) and 10 of Unlawful Activity (Prevention) Act, 1967.

2. The allegation is that the petitioners had organised a study class for the persons of the locality, who are alleged to be the former workers of a banned organisation called 'Students' Islamic Movement of India' (S.I.M.I). The subject of discussion on 15.8.2006 at Happy auditorium, Panayikulam, Aluva Taluk, was “participation of muslims on freedom struggle”.

3. It is submitted by the prosecution that on the guise of such type of discussions, they were propagating Muslim fundamentalist' thoughts to the persons of the

area, particularly amongst the youngsters. On getting information' the Sub Inspector of Police, Binanipuram Police Station, inspected the premises, took the petitioners into custody and seized certain incriminating materials from that place. Therefore, the petitioners came before this Court for bail, which was dismissed on 13.9.2006. The present application is, therefore, filed by them on the plea that the investigation has progressed and there are change of circumstances.

4. I heard the arguments advanced by Advocate K.S.Madhusoodanan and the Director General of Prosecution Mr. P.G.Thampi. The prosecution concedes that the progress of the investigation is rather slow, because of the collection of the information, basing on the E-mail and the mobile numbers from various places, including Palastine. Interception of the E-mail correspondents and the examination of the same, reveal that the E-mail contains the struggle of Palastine people for liberation and also that of the Kashmiris for an

independent State and their struggle against the establishment.

5. In the light of the submissions made by either side and considering the stage of the investigation, I am of the opinion that the petitioners need not be kept in custody indefinitely. Therefore, they could be granted bail, on imposing such conditions, so as to prevent them from repeating the similar activities, which are objected by the Government.

6. In the result, the application is allowed. The petitioners are granted bail and released from jail, subject to the following conditions:-

> (a). Each petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, North Paravur.
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> (b). The petitioners shall report before the Investigating Officer, once in a week

on every Thursday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 26.10.2006, and thereafter, on the first working day of every month, between the same timings, until further order.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs